

Notice of Allowability

Application No.

09/902,361

Examiner

Mark Fadok

Applicant(s)

MONTELEONE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/26/2006.
2. ☒ The allowed claim(s) is/are 37-44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>12/7/2006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicant's response to office action mailed 5/26/2006, which was received 9/26/2006. Acknowledgement is made to the amendments to claims 2,8,16,19,22,25 and 29. The examiner has carefully considered the applicant's claim amendment filed 9/26/2005 along with the amendments provided in the examiner's amendment below and finds the claims allowable for the reasons stated below.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Meredith Struby on 12/7/2006.

Cancel claims 1-38 and add the following new claims:

--37. An order entry and visibility system for communicating product orders and order information in a communications network, the system comprising:

a central communications device having communications network access and

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being configured for receiving one or more product orders from one or more buyer communications devices via the communications network, each of the one or more product orders identifying at least one product, and wherein, for each of the one or more product orders, the central communications device is further configured for:

identifying one or more particular suppliers from a plurality of suppliers to fulfill the respective product order;

communicating, over the communications network, the respective product order to a supplier communications device associated with the respective identified particular supplier;

receiving order processing status information from the supplier communications device, the order processing status information being selected from the group consisting of: an indication of whether the product order is received and not fulfilled, an indication of whether the product order is partially fulfilled, and an indication of whether the product order is fully fulfilled;

in response to receiving the order processing status information for the product order indicating that the product order has been partially fulfilled or fully fulfilled, generating an electronic shipping label for the product order;

communicating, over the communications network, the order processing status information for the product order to a respective buyer that placed the product order; and

communicating, over the communications network, the electronic shipping label for the product order to the supplier communications device to allow the supplier

communications device to print a physical shipping label from the electronic shipping label,

wherein the central communications device, the buyer communications devices, and the supplier communications devices are associated with different entities.

38. The system of Claim 37 wherein the order processing status information further indicates whether the product order is ready to be shipped.

39. The system of Claim 37 wherein the order processing status information further indicates shipment tracking information for product orders that have been shipped.

40. The system of Claim 37 wherein the order processing status information further indicates whether the product order has shipped, and,

in response to receiving the order processing status information indicating that the product order has shipped, the central communications device is further configured for providing billing related information to the buyer communications device that submitted the product order, the billing related information comprising shipping charges.

41. A method for product order entry, product order visibility, and product order processing in a communications network, the method comprising the steps of:

receiving one or more product orders from one or more buyer communications

devices having communications network access, each product order identifying at least one product, the one or more product orders being received by a central communications device;

identifying, by the central communications device, one or more particular suppliers from a plurality of suppliers to fulfill each of the one or more product orders;

in response to identifying the one more particular suppliers to fulfill each product order, storing the one or more product orders and the identified one or more suppliers identified to fulfill each product order on at least one storage device associated with the central communications device;

in response to identifying the one more particular suppliers to fulfill each product order, for each of the one or more product orders, communicating the product order to a supplier communication device associated with the particular supplier identified to fulfill the product order, the product order being communicated over the communications network by the central communications device;

receiving, by the central communications device for each of the one more product orders, an order fulfillment status from the supplier communications device, the order fulfillment status being selected from the group consisting of: an indication of whether the product order is received and not fulfilled, an indication of whether the product order is partially fulfilled, and an indication of whether the product order is fully fulfilled;

in response to receiving the order fulfillment status for a respective product order, communicating the order fulfillment status to a respective buyer that placed the

respective product order;

in response to receiving the order fulfillment status for a respective product order indicating that the respective product order has been partially fulfilled or fully filled, generating an electronic shipping label and communicating the electronic shipping label for the product order to the supplier communications device to allow the supplier communications device to print a physical shipping label from the electronic shipping label,

wherein the buyer communications device, the central communications devices, and the supplier communications devices are associated with different entities.

42. The method of Claim 41 wherein the order fulfillment status further indicates whether the product order is ready to be shipped.

43. The method of Claim 41 wherein the order fulfillment status further indicates shipment tracking information for product orders that have been shipped.

44. The system of Claim 41 wherein: the order fulfillment status further indicates whether the product order has shipped, and, in response to receiving the order fulfillment status indicating that the product order has shipped, the central communications device is further configured for providing billing related information to the buyer communications device that submitted the product order, the billing related information comprising shipping charges.--

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Claims 37-44 are allowable.

The following is an Examiner's statement of the reasons for allowance for all independent claims 37 and 41.

The prior art of record neither anticipates nor fairly and reasonably teaches a method, and system for having a buyer use a third party controller determine if the order has been partially fulfilled and provide an electronic shipping label for printing at a supplier comprising, *inter alia*, Claim 37- receiving the order processing status information for the product order indicating that the product order has been partially fulfilled; Claim 41- receiving the order fulfillment status for a respective product order indicating that the respective product order has been partially fulfilled.

Discussion of most relevant art:

US Patents and PG-PUB

(i) US Patent 6,594,641 to Southam et al. teaches a method for sending orders through a distributor to a manufacture and printing a shipping label. Southam however, fails to render the above-mentioned application's limitations obvious.

Foreign Patent Documents

(ii) WO 2004/114089 to Phillips teaches a method for integrating shipping charges through a third party shipping service; however, Phillips fails to render the application's above-mentioned limitations obvious because the priority date is after the date of the instant application.

Non-Patent Literature

(iii) Fedex1 - teaches a method for providing a third party service that provides shipping labels to suppliers. Fedex1, however, does not render the application's above-mentioned limitations obvious.

(iv) Fedex2 - teaches a method for providing a third party service that provides shipping labels to suppliers. Fedex1, however, does not render the application's above-mentioned limitations obvious.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey A. Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450
or faxed to:

571-273-8300 [Official communications; including
After Final communications labeled
"Box AF"]

For general questions the receptionist can be reached at
571.272.3600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Mark Fadok', followed by a long horizontal line.

Mark Fadok

Primary Examiner